

## REMARKS/ARGUMENTS

Claims 1-11, 17-44 and 50-72 are pending in the application and all are rejected as obvious under 35 U.S.C. § 103. In addition, claims 35-38 are rejected under 35 U.S.C. § 112, second paragraph.

### *Claim Amendments*

Independent claims 1, 34, 71, and 72 are amended to clarify that the transaction account provided for the user is accessible via a single account number and can be used by the user both as a source from which to send funds and a destination into which to receive funds. (See, e.g., Specification, p. 14, line 20-p. 15, line 7). Further, claim 35 is amended to correct a typographical error by changing the dependency of system claim 35 to independent system claim 34. Support for the foregoing amendment is found throughout the specification and in the claims as noted above, and no new matter is added.

### *Claim Rejections - 35 U.S.C. § 112*

The foregoing amendment of system claim 35 to depend on independent system claim 35 renders the rejection of claims 35-38 moot.

### *Claim Rejections - 35 U.S.C. § 103*

Claims 11-11, 17-44 and 50-72 stand rejected under 35 U.S.C. § 103(a) as obvious over O'Leary (USPN 6.609.113). The rejection is traversed and reconsideration is requested. O'Leary lacks one or more limitations recited in each of amended independent claims 1, 34, 71 and 72 in at least the following respects:

- O'Leary fails, for example, to teach providing a transaction account for the user as a money deposit account accessible via a single account number that the user can use both as a source from which to send funds and a destination into which to receive funds and with at least one of a plurality of service levels, as recited in each of amended independent claims 1, 34, 71 and 72. On the contrary, O'Leary teaches a combination of two limited function accounts, the first of which (the IPA account) is accessible only via a first secret address from which funds can be sent but into which

funds cannot be received and the second of which (the VPL account) which is accessible only via a second published address into which funds can be received but from which funds cannot be sent. See, e.g., O'Leary, Col 5, lines 51-51; Col 6, lines 4-9; Col 6, lines 18-20; Col 12, lines 8-24; and Col 13, lines 22-28. Using a well known EFT network such as ACH, O'Leary simply send funds from its IPA accounts to its VPL accounts, but does not permit funds to be sent from its VPL accounts or to be received by its IPA accounts.

- The Examiner's claim that the held money feature for retaining funds in the user's transaction account which the user has designated to be sent to a recipient but which has not yet been picked up by the recipient is an inherent feature, i.e., a feature necessarily found in all on-line payment methods and systems is patently untrue. Demand is hereby made for a reference supporting the Examiner's claim. See, e.g., MPEP §2112.

Consequently, O'Leary does not recite the required combination of limitations of amended independent claims 1, 34, 71 and/or 72. Because the cited reference does not teach the limitations of independent claims 1, 34, 71 and/or 72, the Examiner has failed to establish the required *prima facie* case of unpatentability. See In re Royka, 490 F.2d 981, 985 (C.C.P.A., 1974) (holding that a *prima facie* case of obviousness requires the references to teach all of the limitations of the rejected claim); See also MPEP §2143.03.

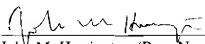
The Examiner has failed to establish the required *prima facie* case of unpatentability for independent claims 1, 34, 71 and/or 72, and similarly has failed to establish a *prima facie* case of unpatentability for claims 2-11, 17-33 and 66-70 that depend on claim 1 and claims 35-44 and 50-66 that depend on claim 34 and which recite further specific elements that have no reasonable correspondence with the references.

### Conclusion

In view of the foregoing amendment and these remarks, each of the claims remaining in the application is in condition for immediate allowance. Accordingly, the examiner is requested to reconsider and withdraw the rejection and to pass the application to issue. The examiner is respectfully invited to telephone the undersigned at (336) 607-7318 to discuss any questions relating to the application.

Respectfully submitted,

Date: 5/24/07

  
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